

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

IN RE: **Timothy James Burns**
Saskia Burns
Debtor(s)

Case No.

Chapter 13 Proceeding

AMENDED **MODIFIED**

DEBTOR(S)' CHAPTER 13 PLAN

AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at www.txwb.uscourts.gov.

Use of the singular word "Debtor" in this Plan includes the plural where appropriate.

Plan Summary

- A. The Debtor's Plan Payment will be **\$600.00 Monthly**, paid by Pay Order or Direct Pay for **58 months**. The gross amount to be paid into the plan is **\$34,800.00**.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately **13%** of each unsecured allowed claim.

THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.

- C. The value of the Debtor's non-exempt assets is **\$0.00**.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

Plan Provisions

I. Vesting of Estate Property

- Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- Other (describe):

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Continuation Sheet # 1

II. Pre-Confirmation Disbursements

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
Ally Financial 2008 Kia Optima	\$105.00	
Wells Fargo Dealer Services 2008 Chevrolet Colorado	\$200.00	

III. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
Edith Holman	Residential Lease	Assumed	No
Mary	Residential Lease	Assumed	No

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
ADT Security Services	Home Security System	Rejected	No
Online Land Sales LLC	Contract for Deed, purchasing: Whispering Oaks Ranch, Lot 12 6.65 Acres Texas County	Rejected	No

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Continuation Sheet #2

IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on _____ ."

Debtor

Joint Debtor

V. Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)

The Bankruptcy Code allows certain liens to be avoided. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section VI(2)(F).

The Debtor moves to avoid the following liens that impair exemptions. Objections to lien avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. (Debtor must list the specific exempt property that the lien impairs and the basis of the lien--e.g., judicial lien, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks
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Continuation Sheet # 3

VI. Specific Treatment for Payment of Allowed Claims

1. PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS

A. Debtor(s) shall pay the following creditors directly. Creditors with claims based on a post-petition domestic support obligation ("DSO"), including all governmental units to which a DSO claim has been assigned, or is owed, or that may otherwise recover a DSO claim, MUST be paid directly. Minors should be identified by their initials only. If no DSO creditor is listed, the Debtor represents he/she has no domestic support obligation.

All direct payments listed below shall be made in addition to the Plan payments made by Debtor to the Chapter 13 Trustee as herein set forth. Secured creditors who are paid directly shall retain their liens, and the Debtor(s) shall maintain insurance on the collateral, in accordance with the terms of the documents creating the lien on the collateral.

Creditor / Collateral, if any (including the name of each DSO creditor)	Remarks	Debt Amount	Payment Amount/Interval
Fed Loan Serv		\$27,393.00	
Southwest Stage Funding, LLC		\$40,000.00	\$1,116.00
Us Dept Of Education		\$11,843.00	

B. Debtor surrenders the following collateral. Confirmation of the Plan shall operate to lift the automatic stay provided by 11 U.S.C. § 362(a) with respect to the collateral listed, and any unsecured deficiency claim may be filed in accordance with the procedures set forth in the Standing Order Relating to Chapter 13 Case Administration for this Division.

Creditor/Collateral	Collateral to Be Surrendered
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2. PAYMENTS TO BE MADE BY TRUSTEE TO CREDITORS

A. Administrative Expenses

Administrative Expenses shall include the Trustee's commission and debtor's attorney's fees. The Trustee shall receive up to 10% of all sums received. No fees or expenses of counsel for the debtor(s) may be paid until the filing fee is paid in full, and any fees and expenses that are allowed in addition to the fees and expenses originally agreed to be paid, may be paid only after all prior allowed fees and expenses have been paid.

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Davis Law Firm	\$2,890.00	Along With	

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Continuation Sheet # 4

B. Priority Claims, Including Domestic Support Obligation Arrearage Claims

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Internal Revenue Service	\$4,911.25	Along With	

C. Arrearage Claims

Creditor / Collateral	Estimated Claim	Estimated Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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D. Cure Claims on Assumed Contracts, Leases, and Contracts for Deed

Creditor/Subject Property, if any	Estimated Amount of Cure Claim	Monthly Payment or Method of Disbursement	Remarks
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E. Secured Creditors

Secured creditors shall retain their liens on the collateral that is security for their claims until the earlier of the date the underlying debt, as determined under non-bankruptcy law, has been paid in full, or the date of discharge under 11 U.S.C. § 1328. Therefore, if the debtor's case is dismissed or converted without completing of all Plan payments, the liens shall be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

Creditor/Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks (specifically note if claim amount to be paid although greater than value of collateral)
Ally Financial 2008 Kia Optima	\$6,907.09	\$9,162.50	Variable*	5.25%	\$7,652.53	
Wells Fargo Dealer Services 2008 Chevrolet Colorado	\$12,143.39	\$18,487.50	Variable*	5.25%	\$13,371.93	

F. General Unsecured Creditors (including claims from rejection of contracts, leases and contracts for deed).

Describe treatment for the class of general unsecured creditors.

General Unsecured Creditors will receive approximately 13% of their allowed claims.

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Continuation Sheet # 5

Totals:

Administrative Claims	<u>\$2,890.00</u>
Priority Claims	<u>\$4,911.25</u>
Arrearage Claims	<u>\$0.00</u>
Cure Claims	<u>\$0.00</u>
Secured Claims	<u>\$19,050.48</u>
Unsecured Claims	<u>\$18,634.86</u>

VII. Supplemental Plan Provisions

The following are the Supplemental Plan Provisions:

Student Loans

Debtor will pay all student loans directly.

Secured Claim of National Auto Finance

For its claim secured by the 2008 Kia Optima, National Auto Finance shall receive disbursements of \$240.00 starting in month 8 and continuing until the claim is paid in full. Prior to month 8, it shall receive adequate protection payments as specified in Section II above.

Secured Claim of Wells Fargo Dealer Services

For its claim secured by the 2008 Chevrolet Colorado, Wells Fargo Dealer Services shall receive disbursements of \$450.00 starting in month 8 and continuing until the claim is paid in full. Prior to month 8, it shall receive adequate protection payments as specified in Section II above.

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Continuation Sheet # 6

Respectfully submitted this date: 10/6/2014.

/s/ Evan Simpson

Evan Simpson
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Waco, TX 76706
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(Attorney for Debtor)

/s/ Timothy James Burns

Timothy James Burns
709 W. Ave. I #40
Nolanville, TX 76559
(Debtor)

/s/ Saskia Burns

Saskia Burns
411 Montrose Street
Belton, TX 76513
(Joint Debtor)

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IN RE: Timothy James Burns
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Saskia Burns
Joint Debtor

CHAPTER **13**

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on October 6, 2014, a copy of the attached Chapter 13 Plan, with any attachments, was served on each party in interest listed below, by placing each copy in an envelope properly addressed, postage fully prepaid in compliance with Local Rule 9013 (g).

/s/ Evan Simpson

Evan Simpson
Bar ID:24060612
Davis Law Firm
3925 A S. Jack Kultgen Fwy.
Waco, TX 76706
(254) 399-9977

AAFES/MIL STAR/EXCHANGE
xxxxxxxxxxxx1796
c/o Creditors BK Service
PO Box 740933
Dallas, TX 75374

Bank of America
xxxx-xxxx-xxxx-1334
P.O. Box 650070
Dallas, TX 75265

CBE Group
xxxxx9847
1309 Technology Pkwy
Cedar Falls, IA 50613-6976

AAFES/MIL STAR/EXCHANGE
xxxxxxxxxxxx1088
c/o Creditors BK Service
PO Box 740933
Dallas, TX 75374

Bank of America
P.O. Box 650070
Dallas, TX 75265

Credit Collections Srv.
xxxx0290
PO Box 9134
Needham, MA 02494

ADT Security Services
3190 S. Vaughn Way Ste 150
Aurora, CO 80014-3537

Capital One, N.a.
xxxx-xxxx-xxxx-0089
Capital One Bank (USA) N.A.
PO Box 30285
Salt Lake City, UT 84130

Direct TV
P.O. Box 78626
Phoenix, Arizona 85062-8626

Ally Financial
xxxxxxxx6456
c/o Ally Servicing LLC
P.O. Box 130424
Roseville, MN 55113

Capital One, N.a.
xxxx-xxxx-xxxx-0846
Capital One Bank (USA) N.A.
PO Box 30285
Salt Lake City, UT 84130

Fed Loan Serv
xxxious
Po Box 69184
Harrisburg, PA 17106

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Debtor

CASE NO.

Saskia Burns
Joint Debtor

CHAPTER **13**

CERTIFICATE OF SERVICE
(Continuation Sheet #1)

Ft. Hood National Bank PO BOX 5000 Ft. Hood, TX 76544	Law Office of Beard & Lane, P.C. 12841 Jones Road Suite 100 Houston, TX 77070	Southwest Stage Funding, LLC c/o Law Offices of Mel Smith, Esq. 4201 Cypress Creek Parkway Suite 315 Houston, TX 77068
GECRB/Care Credit xxxxxxxxxxxx1801 PO BOX 965036 Orlando, FL 32896	Pioneer Mcb xxx2441 P.O. Box 10487 Kansas City, MO 64171	The Cash Store 211 Sparta Rd. Belton, TX 76513
Gemb/walmart Dc xxxxxxxxxxxx7508 Walmart/GEMB PO Box 103104 Roswell, GA 30076	Portfolio Rc ATTN: Bankruptcy 120 Corporate Blvd. Ste 100 Norfolk, VA 23502	Timothy James Burns 709 W. Ave. I #40 Nolanville, TX 76559
Gemb/walmart Dc xxxxxxxxxxxx5801 Walmart/GEMB PO Box 103104 Roswell, GA 30076	Ray Hendren 3410 Far West Blvd. #200 Austin, TX 78731	Us Dept Of Education xxxious Attn: Borrowers Service Dept PO Box 5609 Greenville, TX 75403
Ginny's Inc xxxxxxxx7570 1112 7th Ave. Monroe, WI 53566	Rjm Acquisitions Llc 575 Underhill Blvd Ste 224 Syosset, NY 11791	Wells Fargo Dealer Services xxxxxxxx4697 PO Box 6700 Rancho Cucamonga, CA 91729
Internal Revenue Service 300 E 8th St. STOP 5026AUS Austin TX 78701-3233	Seventh Avenue 1112 7th Ave Monroe, WI 53566	Williams & Fudge Inc xxx1032 300 Chatham Ave Ste 201 Rock Hill, SC 29730